

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Andrew Drew Johnson

Case Number: 1:09CR00325-01

Name of Sentencing Judicial Officer: The Honorable Janet T. Neff
U.S. District Judge

Date of Original Sentence: November 19, 2010

Original Offense: Count 2: Possession with Intent to Distribute 5 Grams or More of Cocaine Base;
21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii)

Original Sentence: 120 months imprisonment and 8 years supervised release. Special Conditions: (1) substance abuse treatment and testing; (2) mental health treatment; (3) financial disclosure; (4) full time employment; (5) no cell phone without approval from probation; (6) provide probation with monthly cell phone bills; (7) reside in a residence approved by probation; (8) no association with gang members. Special Assessment \$100.00 (paid).

Type of Supervision: Supervised Release

Date Supervision Commenced: July 10, 2023

Expiration Date: July 9, 2028

Assistant U.S. Attorney: Hagen Walter Frank

Defense Attorney: Sean Tilton

PETITIONING THE COURT

☒ To issue a warrant

The probation officer believes Mr. Johnson has violated the following condition of supervision:

Violation Number 1

Special Condition Number 10: You shall reside at a Residential Re-Entry Center (RRC) as designated by the Bureau of Prisons (BOP) for a period of four (4) months. While at the RRC, you shall abide by all rules and regulations of the program and shall receive work release at the direction of the probation officer.

On August 11; October 1, 3, and 4, 2023, Mr. Johnson violated a RRC rule by being under the influence of a controlled substance, K2.

Nature of Noncompliance for Violation 1

According to an incident report submitted by Kalamazoo Probation Enhancement Program (KPEP), Kalamazoo, Michigan, on August 11, 2023, a staff member entered Mr. Johnson's room and smelled something burning. Mr. Johnson was questioned and admitted the burning substance was K2 and he had just smoked it. He was observed to have eyes that were bloodshot, and he had slurred speech.

According to an incident report submitted by KPEP, on October 1, 2023, at 11:45 a.m. a staff member observed Mr. Johnson being unable to stand up without using the door to maintain his balance. Other residents and the staff member held Mr. Johnson up because he could not do so on his own. At 9:45 p.m. a staff member observed a soda can on Mr. Johnson's bathroom sink. There was smoke emanating from the lit substance in the can. He admitted to smoking out of the can. He appeared to be under the influence.

According to an incident report submitted by KPEP, on October 3, 2023, at 11:49 p.m., via a security camera, a staff member observed Mr. Johnson shaking and swaying. The staff member ran to Mr. Johnson to render aid, but he did not respond to commands. He was staring and drooling. The staff member and other residents helped carry Mr. Johnson to the lobby so he could be closely monitored. For the next hour he was unresponsive and continued to drool. After another hour, he became alert and the staff member administered a drug test; however, Mr. Johnson had trouble writing his name. He returned to his room and at 12:54 a.m. on October 4, 2023, a staff member went to check on him. The staff member saw Mr. Johnson in his bathroom smoking suspected K2 out of a soda can. The staff member grabbed the can and Mr. Johnson lost his balance. He also pried a lighter out of Mr. Johnson's hand. He was assisted to his bed and staff prepared to call an ambulance. At 1:53 a.m. via a security camera, a staff member saw Mr. Johnson enter the chapel and grab a soda can. The staff member took the can from him and directed him to sit in the lobby so he could be monitored. He refused to follow the instruction and went to his room. The staff member continued to check on Mr. Johnson throughout the shift.

On October 4, 2023, KPEP classified Mr. Johnson as a program failure. Due to his use of substances, being under the influence, and possessing drug paraphernalia. He is a management issue and he has put staff and other residents at risk because of his behavior.

Violation Number 2

Special Condition Number 10: You shall reside at a Residential Re-Entry Center (RRC) as designated by the Bureau of Prisons (BOP) for a period of four (4) months. While at the RRC, you shall abide by all rules and regulations of the program and shall receive work release at the direction of the probation officer.

On September 30; October 1, and 3, 2023, Mr. Johnson violated a RRC rule by possessing drug paraphernalia.

Nature of Noncompliance for Violation 2

According to an incident report submitted by KPEP, on September 30, 2023, a staff member observed Mr. Johnson in possession of a soda can that had a lit substance in it from recently being smoked by Mr. Johnson.

According to a incident reports submitted by KPEP, on October 1, 2023, at 11:45 a.m. a staff member observed Mr. Johnson being unable to stand up without using the door to maintain his balance. Other residents and the staff member held Mr. Johnson up because he could not do so on his own. At 9:45 p.m. a staff member observed a soda can on Mr. Johnson's bathroom sink. There was smoke emanating from the lit substance in the can. He admitted to smoking out of the can. He appeared to be under the influence.

According to an incident report submitted by KPEP, on October 3, 2023, a staff member entered Mr. Johnson's room and saw him holding a soda can that had been crafted into a pipe. The can was smoking. He told the staff member that he was going to get him sent back to prison.

According to an incident report submitted by KPEP, on October 3, 2023, at 11:49 p.m. a staff member observed Mr. Johnson shaking and swaying on a security camera. The staff member ran to Mr. Johnson to render aid, but he did not respond to commands. He was staring and drooling. The staff member and other residents helped carry Mr. Johnson to the lobby so he could be closely monitored. For the next hour he was unresponsive and continued to drool. After about an hour, he became alert and the staff member administered a drug test; however, Mr. Johnson had trouble writing his name. He returned to his room and at 12:54 a.m. on October 4, 2023, a staff member went to check on him. The staff member saw Mr. Johnson in his bathroom smoking suspected K2 out of a soda can. The staff member grabbed the can and Mr. Johnson lost his balance. He also pried a lighter out of Mr. Johnson's hand. He was assisted to his bed and staff prepared to called an ambulance. At 1:53 a.m. via a security camera, a staff member saw Mr. Johnson enter the chapel and grab a soda can. The staff member took the can from him and directed him to sit in the lobby so he could be monitored. He refused to follow the instruction and went to his room. The staff member continued to check on Mr. Johnson throughout the shift.

Previous Violations

- **April 11, 2018:** Report on Offender: The Court was notified the Mr. Johnson used marijuana on April 1, 2018. The Court agreed to take no action on the violation to allow Mr. Johnson to attend mental health treatment.
- **June 12, 2018:** Modification of supervised release as a result of Mr. Johnson's use of marijuana. The Court added Special Condition Nine (9) requiring Mr. Johnson to serve four months on home detention with location monitoring.
- **October 5, 2018:** A modification hearing was held as a result of offender's violations of location monitoring, unexplained assets, and failure to comply with cell phone requirements. The Court added Special Condition (10) requiring Mr. Johnson to be subject to search by the United States Probation Office.
- **January 7, 2019:** Modification of supervised release as a result of Mr. Johnson's use of marijuana. The Court added Special Condition (11) requiring the offender to serve 90 days at a Residential Reentry Center (RRC).
- **January 24, 2019:** Modification of supervised release as a result of Mr. Johnson's use of marijuana. The Court amended Special Condition (11) requiring Mr. Johnson to serve 120 days at a Residential Reentry Center (RRC).

- **November 15, 2019:** A warrant was issued in response to Mr. Johnson's failure to report police contact, committing the new crime of domestic violence, failing to report to the probation, moving without notifying the probation office, and failing to maintain employment.
- **December 2, 2021:** Revocation of supervised release based on Mr. Johnson committing the new crime by delivering/manufacturing methamphetamine. The Court ordered 36 months custody followed by 5 years of supervised release with the following special conditions: (1) substance abuse testing and treatment; (2) mental health treatment; (3) financial disclosure; (4) no alcohol or alcohol establishments; (5) no cellular telephone without probation officer approval; (6) disclose all telephone bills to the probation officer; (7) no contact with gang members or suspected gang members; (8) residence and employment must be pre-approved by probation officer; (9) submit to searches; (10) reside at a RRC for four months; and (11) employment must be approved by probation officer in advance.

U.S. Probation Officer Recommendation:

The supervised release should be
[X] revoked.

I declare under penalty of perjury that the foregoing
is true and correct.

Executed on October 18, 2023

Approved,

Respectfully submitted,

by /s/Natcole S. West
Natcole S. West
Supervisory U.S. Probation Officer
Date: October 18, 2023

by /s/ Brett J. Snyder
Brett J. Snyder
U.S. Probation Officer
Date: October 18, 2023

THE COURT ORDERS:

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

/s/ Janet T. Neff

The Honorable Janet T. Neff
U.S. District Judge

October 20, 2023

Date